REMARKS

The Official Action mailed October 30, 2008 has been carefully considered. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Claim Amendments

Claim 9 has been amended to recite that the plunger is extended and compressed between the lever roller and the stationary roller. Claim 23 has been amended to recite that the plunger is extended and compressed between the lever bearing surface and the stationary bearing surface. Support for these amendments may be found throughout the specification, e.g. at page 5, lines 5-10 and FIG. 2. No new matter is believed to have been added.

35 U.S.C. §103(a)

Claims 9, 10, 12, 23, 25, 26, 27, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kataumi et al. (U.S. Patent No. 5,421,792, hereinafter "Kataumi") in view of Smale et al. (U.S. Patent No 5,566,581, hereinafter "Smale"). Applicants respectfully traverse the rejections.

Independent claim 9, as amended, recites:

> 9. An actuator comprising:
> a base plate;
> a lever pivotally mounted to said base plate by a pin, said lever comprising a lever roller, and said lever being pivotable between a first position and a second position;
> a stationary roller disposed on said base plate;
> a solenoid mounted to said base plate and comprising a plunger moveable between an extended position and a retracted position, wherein said plunger is ***extended and*** compressed between said lever roller and said stationary roller in said extended position of said plunger and in said first position of said lever, preventing said lever from pivoting to said second position.

Independent claim 23 recites:

> 23. An actuator comprising:
> a base plate;

> a latching lever pivotally mounted to said base plate by a pin and pivotable between at least a first position and a second position, said lever comprising a lever bearing surface;
>
> a stationary bearing surface; and
>
> a solenoid mounted to said base plate and comprising a plunger moveable between an extended position and a retracted position, wherein in said first position of said lever and in said extended position of said plunger, said plunger is ***extended and*** compressed between said lever bearing surface and said stationary bearing surface blocking said lever from pivoting to said second position, and in said retracted position of said plunger said lever is not blocked from pivoting between said first position and said second position.

As discussed in the specification, at page 5, lines 5-15, a configuration wherein the plunger is extended and compressed between a lever bearing surface and a stationary bearing surface allows use of a relatively low power solenoid since the solenoid is not itself required to resist motion of any element.

The Official Action concedes that Kataumi does not disclose the plunger "compressed between said lever bearing surface and said stationary bearing surface" as claimed in independent claim 23. Independent claims 9 and 23 teach that the "plunger is extended and compressed between" the lever roller and stationary roller (claim 9) or the lever bearing surface and the stationary bearing surface (claim 23). The Official Action points to Smale as providing the missing teachings. Applicants respectfully submit that the actuator disclosed in Kataumi would not be replaced with the solenoid arrangement disclosed in Smale because to do so would change a principle of operation of Kataumi.

The actuator in Kataumi may include a solenoid and plunger. The plunger includes a hook portion, formed at its distal end (i.e., away from the solenoid). The hook portion is engaged with a slot in an arm of a lock lever. When the solenoid is energized, the plunger enters the solenoid and the lock lever rotates clockwise. When the solenoid is not energized, the plunger is caused to exit the solenoid by a spring and the lock lever rotates counterclockwise. *See, e.g., Kataumi, Col. 5, line 46 to Col. 6, line 3 and FIG. 6.* In Kataumi, therefore, the solenoid **pulls and pushes an element** into locking and unlocking positions.

The lock device of Smale includes a solenoid and a plunger with an end fitting. The solenoid is mounted so that the plunger moves between a retracted position and an extended

position. In the extended position, the plunger extends partially into a slot and the end fitting is positioned beneath a latch bar nose locking the latch bar in its latched position. When the plunger is retracted, the latch bar is no longer locked but remains in its latched position until moved by some other means. *See, e.g., Smale, col. 4, lines 10 through 36 and FIGS. 2 and 3.* In Smale, therefore, the solenoid **blocks movement of an element**.

A person of ordinary skill in the art would not be motivated to combine the teachings of Smale with the teachings of Kataumi because to do so would destroy a principle of operation of Kataumi. Applicants respectfully submit that the solenoid and plunger of Kataumi are configured to **pull and push** an element into locking and unlocking positions. In contrast, the solenoid and plunger of Smale are configured to **block movement** of an element. Kataumi and Smale thus operate in **fundamentally different and opposite** ways. To replace the solenoid and plunger of Kataumi with the solenoid and plunger of Smale would require a wholesale redesign of Kataumi. Accordingly, a person of ordinary skill in the art would not be motivated to replace the solenoid and plunger of Kataumi with the solenoid and plunger of Smale.

Applicants respectfully submit that independent claims 9 and 23, are patentable over Kataumi in view of Smale under 35 USC § 103(a). Claims 10, 12 and 25-28 depend from claims 9 or 23 and are also patentable, at least by virtue of their dependency. Applicants respectfully request, therefore, that the rejection of claims 9, 10, 12, 23 and 25-28 under 35 USC § 103(a) as being unpatentable over Kataumi in view of Smale, be withdrawn upon reconsideration.

Dependent claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kataumi in view of Smale in further view of Dörr et al. (U.S. Patent No. 5,379,872, hereinafter "Dorr"). Dependent claims 13 and 29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kataumi in view of Smale in further view of Mochida (U.S. Patent No. 4,473,141, hereinafter "Mochida"). Applicants respectfully request reconsideration of these rejections.

Claims 13, 24 and 29 depend from independent claims 9 or 23. Applicants respectfully submit that none of the additional references disclose or suggest the limitations missing from the primary reference, Kataumi, nor have they even been asserted to provide such teachings. As

such, these claims are believed to be allowable over the cited references by virtue of their dependency as well as for their own limitations.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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